

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
AND
NON SIGNIFICANT FOREST PLAN AMENDMENT**

**Bend-Fort Rock Ranger District
Deschutes National Forest
Deschutes, Oregon**

Opine Vegetation Management Environmental Assessment

An Environmental Assessment (EA) for the Opine Vegetation Management Project area is available for public review describing a range of alternatives that include mechanical shrub treatments (mowing), prescribed burning, and commercial and non-commercial thinning of forest stands that are at high risk to disturbance from wildfire, insects or disease. It includes the consideration of a no action alternative. The EA may be reviewed in the District Office located at the Bend-Fort Rock District Ranger's Office located at 1230 N.E. Third Street, Suite A-262, Bend, Oregon.

Introduction

The Opine Planning Area is a good example of eastern Oregon High Desert landscape. The planning area is surrounded by flat scrub lands with dispersed pockets of ponderosa and lodgepole pine trees. Elevations within the planning area range from 4,500 to 6,509 feet above sea level at the top of Pine Mountain. On top of the mountain is located the University of Oregon Observatory, which is visited by thousands of students and the public each year. Pine Mountain is one of the primary focus areas proposed for fuel reduction treatments including thinning, mowing, and burning. Mule deer winter range dominates the planning area, which also includes small areas of summer range.

Location

The planning area is located approximately 20 miles southeast of Bend and approximately five miles south of US 26 and Millican, Oregon. The planning area is approximately 54,623 acres including 162 acres of federal land managed by the Bureau of Land Management, Department of Interior. The University of Oregon's Pine Mountain Observatory, the Bonneville Power Administration (BPA) Sand Springs substation, and 100 miles of designated off highway vehicle (OHV) routes of the East Fort Rock OHV trail system are also within the project area. Elevations range from approximately 4,500 feet to 6,509 feet at the summit of Pine Mountain. The planning area is located within:

T20S, R13E, Sections 12, 13, and 24;
T20S, R14E, Sections 6-8, 16-22, 25-29, and 31-36
T20S, R15E, Sections 19-34;

T21S, R14E, Sections 1-16;
T21S, R15E, Sections 3-9, 13-29, and 32-36;
T21S, R14E, Sections 1-16;
T21S, R16E, Sections 3-6, 8-10, 16, 17, 20-22, and 26-28.
T22S, R16E, Sections 16, 17, 19-21, 27-30, and 31-34;

The project area is outside the range of the northern spotted owl and boundary of the Northwest Forest Plan, but within the boundaries of the Revised Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales (Interim Direction), also known as the Eastside Screens.

There are no wild and scenic river corridors within or adjacent to the project area. The Deschutes Wild and Scenic River is approximately 17 air miles due west from the project area. There are no perennial streams, lakes, or other permanent water bodies within the planning area boundary. There are three (3) natural springs within the planning area boundary – Sand Springs and Pumice Springs (2). All are currently fenced to exclude livestock. Neither action alternative proposes actions within or adjacent to these areas. There is no essential fish habitat or potential bull trout habitat, the closest river is the Deschutes River, which is approximately 17 air miles due west from the project area.

Management activities within the project area are guided by direction described in the Deschutes National Forest Land and Resource Management (LRMP 1990) as amended. The planning area contains five (5) land allocations as described in the LRMP including Deer Habitat – MA-7; General Forest – MA-8; Scenic Views – MA-9; Old Growth – MA-15; and Special Interest – MA-1. No activities are proposed in the special interest allocation. The LRMP established the following goals for the other four allocations:

- MA-7 - “to manage vegetation to provide optimum habitat conditions on deer winter and transition ranges while providing some domestic livestock forage, wood products, visual quality, and recreation opportunities.”
- MA-8 - “to emphasize timber production while providing forage production, visual quality, wildlife habitat, and recreation opportunities for public use and enjoyment.”
- MA-9 - “to provide forest visitors with high quality scenery that represents the natural character of Central Oregon.”
- MA-15 - “to provide naturally evolved old growth forest ecosystems for 1) habitat for plant and animal species associated with old growth forest ecosystems, 2) representations of landscape ecology, 3) public enjoyment of large, old-tree environments, and 4) the needs of the public from an aesthetic, spiritual sense.”

The following table displays the treatment areas by acres and Management Areas in the Opine planning area.

Commercial Treatment acres by Management Area for Alternatives 2 & 3

Forest Plan Management Area	Acres of MA in Planning area	Alternative 2 Acres of Proposed Commercial Harvest	Alternative 3 Acres of Proposed Commercial Harvest
MA 1 Special Interest Area	44	No activities proposed in this allocation	No activities proposed in this allocation
MA 7 Deer Habitat	48,345	2,922	2,825
MA 8 General Forest	932	347	279
MA 9 Scenic View	3,616	570	458
MA 15 Old Growth	1,521	293	293
Totals		4,132	3,855

The following table displays the Key Issue Comparison of treatments by Alternatives.

Key Issue Comparison of Treatments by Alternative.

ISSUE & MEASUREMENT STANDARD	ALT 1	ALT 2	ALT 3
Key Issue #1: Effects on Mule Deer Habitat, which include: Vegetation Treatments; and Effects of Open Road and Motorized Trails on Habitat Effectiveness			
Acres of Winter Range Treated	0	14,559	10,825
Hiding Cover Remaining After Treatment (% / acres)			
Project Area	21 / 5627	8.9 / 2390	10.1 / 2691
Pine Mountain and General Forest Allocation	37 / 1782	3.6 / 177	6.6 / 319
Thermal Cover Remaining After Treatment (% / acres)			
Project Area	9 / 2417	2.6 / 690	2.7 / 720
WRHUs	8 / 2169	2.6 / 665	2.5 / 656
Miles of System Roads Closed or Decommissioned	0	19	42
Key Issue #2: Condition of Existing Vegetation			
Acres Treated Rated as Moderate/High Risk for Bark Beetle Attack	0	4,625	4,964
Key Issue #3: Wildfire Risk			
Acres Treated Rated as Moderate to Extreme Fire Behavior Potential	15,659 (existing)	15,223	11,846

Note: Thermal cover effects in Alternative 2 include reductions in both optimal and acceptable classifications. Alternative 3 has no reduction in optimal thermal cover, but only in acceptable, which meets the LRMP consistency requirements.

Decision

The 30-day public review and comment period notice was published September 14, 2005 in the local Bend newspaper **The Bulletin**. Based on my review of all alternatives, I have decided to implement **Alternative 3**.

Based on internal review, public comments, and other agency comments, Alternative 3 was modified from the original 30-day comment period. These modifications include:

- Dropping Year Round Area Road Closure
- Dropping commercial treatments of optimal thermal cover
- Reduce acreages of “pre-treatment” in fuels units
- Dropping prescribed burns in lodgepole pine dominated stands
- Dropping Sage Grouse enhancement treatments
- Eliminated the overlapping of thinning (Commercial and Precommercial) and fuels units
- Modified fuels treatment prescriptions in some units (dripline burning instead of continuous landscape burning)
- Dropping treatment of one Botany unit (B-1)
- Added fuels treatment unit
- Modified prescriptions in units P314/F18 for retention of 10 to 30 larger overstory trees per acre

Rational for Decision

In making this decision, I have reviewed the Environmental Assessment and associated specialist information that has been disclosed in the analysis to make a reasoned choice and no significant impacts either individually or cumulatively on the quality of the human environment has been identified. Based on my review of the above document I have decided to authorize implementation of **Alternative 3** of the Opine Vegetation Management EA.

I have chosen to implement Alternative 3 because it provides the best combination of resource benefits, protection and outputs for the planning area including deer habitat, old growth management areas, scenic views, and the

protection of facilities and improvements. This alternative makes substantial progress in reducing the risk of a high intensity, stand replacing wildfire, improving forest health, protecting or improving late and old structure integrity, and maintaining or improving wildlife habitat.

The integrated fuels reduction treatments will reduce the risk of uncharacteristic wildfire and beetle mortality within the ponderosa and lodgepole pine plant association groups by decreasing canopy density, tree density, and surface and ladder fuels. Alternative 3 takes a landscape level approach to fuels reduction, while managing dry pine sites within the vicinity of developed sites such as the Pine Mountain Observatory; electronic sites; transmission lines; and range improvements to reduce the wildfire risk. Scenic views would be enhanced, with an emphasis on the Cascade Mountains, high desert, vistas, and large ponderosa pine trees.

Treatments will increase firefighter safety during a wildland fire by helping to keep fire on the ground as well as providing escape routes for firefighters and the public. This analysis clearly shows that this action is needed to reduce the wildfire and beetle mortality risk to present and future forest values, while protecting private and public property values and safety.

Alternative 3 would implement the following actions, either separately or in combination.

- An estimated 5.6 MMBF (11,001 CCF) of commercial firm fiber will be removed from approximately 3,855 acres and would construct approximately 1 mile of temporary roads for access.
- Approximately 10,108 acres will be treated using pre-treatment of fuels, prescribed fire, and/or mechanical shrub treatment (mowing) singly or in combination.
- Approximately 2,210 acres will be treated using commercial harvest (thinning) followed by non-commercial thinning. Approximately 2,190 of these acres would also include prescribed fire following completion of thinning. Approximately 44 acres, consisting of landings, skid trails, and decommissioned roads, will be subsoiled to restore soil productivity.
- Approximately 1,645 acres will be treated using commercial thinning with no follow-up of non-commercial thinning. Approximately 431 of these acres will also include prescribed fire following completion of thinning activities. Approximately one (1) acre of existing landings, skid trails, or decommissioned roads will be subsoiled.
- Approximately 3,263 acres will be treated using non-commercial thinning with approximately 3,233 of these acres having prescribe fire applied following the completion of the thinning. Approximately one (1) acre of existing landings, skid trails, and/or system roads would be subsoiled to restore soil productivity.
- Approximately one quarter (0.25) acre would be planted within the boundaries of the Pine Mountain Observatory special use permit area to provide additional screening between the road and observatory facilities..
- Approximately 28 miles of system roads will be closed. Fourteen miles of system and 1.0 mile of temporary roads will be decommissioned following vegetation treatments. *Roads determined to be unneeded for current management were recommended for closure. Roads would be closed using berms, gates, signing, and camouflaged using vegetation or native materials, or a combination of methods. Those determined to be unnecessary for both current and future management were recommended for decommissioning. Decommissioning includes various levels of treatments to stabilize and rehabilitate unneeded roads, such as blocking the entrance, re-vegetating and water barring; removing fills and culverts; re-establishing drainage-ways and removing unstable road shoulders; or full obliteration by re-contouring, subsoiling and restoring natural slopes.*
- Motorized access within the planning area will be restricted within deer winter range (MA-7) by a seasonal road closure between December 1 and March 31 after completion of management activities the following year. Motorized access will be permitted on Forest Roads 1800000, 201700, 2300000, 2312000, 2312400, 2313000, 2500000, and 2510000, at a minimum. To provide access to the East Fort Rock OHV facilities and trails, Road 25 staging area, Road 2510, and the Camp II trailhead, Roads 2500800 and 1800620 will

remain open. Additional roads may be designated as open with a maximum allowable road density of 2.5 miles per square mile as an average across the winter range area. *Currently 25,976 acres of the planning area are closed to OHV use except on designated roads and trails (East Fort Rock OHV area). The remaining 28,647 acres are currently open to unrestricted motorized use including OHV use. The seasonal road closure would not be applied to designated off highway vehicle (OHV) routes (roads and trails) of the East Fort Rock OHV Trail System.*

- Site specific, non significant Forest Plan Amendment. Referred to as Amendment #2 in EA. Amendment # 2 would waive S&G WL-54, which requires that 30 percent of the National Forest land within each *Implementation Unit (IU)* be in hiding cover. This amendment would be specific to the MA-9 and MA-15 land allocations on Pine Mountain located in IU #52 and the MA-15 allocation associated with the Pumice Springs OGMA in IU #57.

Risk from Wildfire

High risk of a high intensity, stand-replacing wildfire is typical in many areas on the Bend-Ft. Rock Ranger District. Alternative 3 takes a landscape-level approach to reduce the risk of a very large wildfire by strategically placing treatments to protect critical mule deer winter range, designated travel routes, stands of trees that will eventually develop into late and old structured stands, and important developments such as electronic sites and Pine Mountain Observatory on Pine Mountain as well as the Bonneville Power Administration substation and transmission lines. Vegetation and fuel reduction treatments reduce the fire behavior potential to moderate or low on 11,147 of the 11,547 acres that are currently at extreme/high fire behavior potential. Treatments adjacent to major access roads will increase safety, by providing a defensible space for stopping an approaching wildfire and an escape route for firefighters and the public.

Forest Health

Historically within the Opine analysis area, open stands of late and old structure, single-story ponderosa pine were much more prevalent on the landscape. Currently, these stands represent approximately one (1) percent of the area. Much of the planning area is currently dominated by 60 to 70 year old, single story, black bark ponderosa pine. This alternative will use thinning (non-commercial and commercial) and prescribed burning to reduce existing high stand densities. Treatments will reduce the imminent risk of loss from bark beetle infestations on approximately 4,964 acres. Treated acreage will improve the vigor of stands, reducing the risk of loss from a large-scale disturbance from insects, disease, or wildfire. The potential for these stands to develop into late and old structure will be improved.

Wildlife Habitat

Species requiring late and old structure in frequent fire disturbance forests will have a positive benefit from the treatments designed to reduce dense stands. Treatments designed to accelerate residual growth rate of trees will provide larger snags and downed logs more quickly, especially in areas that are currently deficit. Management plans for both Old Growth Management Areas (OGMAs) and treatment prescriptions developed that reduce the likelihood that large scale disturbances associated with wildfire and bark beetle attack would remove this important component from the landscape. Additionally, prescriptions were customized to ensure the maintenance and enhancement of habitat for the northern goshawk.

Approximately 255 miles of roads for public access would be maintained. Road improvements/maintenance will occur on approximately 37 miles of roads. Road closures and decommissioning will reduce the overall road densities within the planning area from 3.5 to 3.1 miles per square mile while retaining access for the needs of the public. The majority of the roads identified for closure or decommissioning are not associated with proposed activity units; closure or decommissioning of those roads will mitigate the effects of proposed thinning and fuel reduction treatments on reductions in hiding and thermal cover for mule deer and elk. Roads proposed for closure are not needed for current administration, but are expected to be needed for future management activities. Roads proposed for decommissioning are not needed for either current or future administrative needs. Road density

reductions will enhance wildlife habitat by reducing habitat fragmentation, disturbance, and vulnerability. The seasonal road closure in Deer Habitat (MA-7) will substantially reduce intentional and unintentional harassment during critical times of mule deer foraging and fawning.

Alternatives Considered

In addition to Alternative 3, two (2) other alternatives were developed and analyzed, but not selected (EA pages 1-5 through 1-6 and EA pages 2-1 through 2-39). One (1) other alternative was considered and eliminated from further analysis (EA page 2-42).

- **Alternative 1 (No Action):** I did not select this alternative because it does not meet the purpose and need for action. Natural processes would be allowed to continue and existing high-density stands would provide an elevated risk of high intensity, stand replacement fire and bark beetle infestation. The risk of high intensity wild fire would not be reduced because there would be no changes in tree and shrub densities. Forest plant communities would not begin to transition toward greater resiliency and resistance to natural disturbance. The potential for significant losses of critical wildlife habitat, particularly for species associated with late and old structure forests as well as for big game, would continue to increase. The Pine Mountain Observatory, the two electronic sites, and the Bonneville Power Administration substation and transmission lines would continue to be at risk for significant damage or destruction. Safe ingress and egress for both the public and firefighters would not be provided thereby increasing the risk of injury during wildfire events. There would be no commercially viable firm fiber available for local mills.

Tree growth in young stands would not be accelerated and ponderosa pine dominance would be delayed. The development of structural diversity that provides important hiding and thermal cover within critical deer winter range either would not occur or would be substantially delayed. Deer forage diversity and productivity would not be improved. Deer habitat effectiveness would continue to be reduced through the continued year around access of all Forest Roads and the continued increase in the number and miles of unauthorized motorized roads and trails. The development of habitat for wildlife species that are dependent upon large diameter late and old structure stands would be delayed.

This alternative would not maintain or enhance scenic views of areas that display the inherent scenic qualities of Central Oregon such as the Cascade Mountains, the high desert, and the open, park-like stands of large diameter ponderosa pine. It would delay the development of large diameter ponderosa pine that characterizes Central Oregon.

- **Alternative 2 (Proposed Action):** I did not select this alternative because it: 1) does not adequately address reductions in cover levels, and particularly thermal cover levels, associated with proposed treatments; 2) does not minimize the reduction of bitterbrush for wintering mule deer; and 3) does not adequately maintain or enhance habitat for the northern goshawk on Pine Mountain.

Alternatives Considered but Eliminated from Detailed Analysis

- An alternative that would implement vegetation management activities (precommercial thinning, mowing, and prescribed fire) without the removal of commercial wood fiber (restoration only) was considered. It did not meet the desired results or condition (s) identified in the Purpose and Need.

Vegetation management and restoration activities in the Opine EA are designed to maintain and restore a healthy forest ecosystem. Eliminating commercial firmwood fiber removal would effectively eliminate the opportunity to reduce fuel loads on 3,855 acres classified as moderate to extreme for fire behavior potential, while exacerbating a worsening forest health trend. The analysis shows that treating these additional acres

could be done with only minor short-term effects. Commercial firmwood fiber removal can be one of many outcomes of vegetation management. Most vegetation management projects include service contracts, force account work, volunteer labor and where appropriate, commercial firmwood fiber removal.

Fiber harvest provides economic benefits, employment, and returns to local and federal governments. The district examines areas where vegetation management is needed and makes a determination of whether commercial timber harvest is an ecologically appropriate and economically feasible method of achieving desired resource conditions. The high, density ponderosa pine stands and existing lodgepole pine shelterwood areas within the Opine project area have the capability to provide an economic return as an outcome of vegetation management.

Reduction of stand density is necessary to create more open stand structures that would meet a variety of objectives including: making stands more resistant to wildfire and bark beetle attack, opening up views of scenic features, and providing additional winter browse for mule deer. To achieve desired density reduction with fire would be clearly unreasonable - a relatively high intensity fire would be necessary. Such a fire would result in higher level of density reduction than is desired. Scorch heights associated with this type of fire would put surviving trees at an increased risk of bark beetle attack. Scorch heights and tree mortality would not be desirable within the scenic view allocations.

Past projects elsewhere on the Bend-Fort Rock Ranger District have demonstrated that the cutting of trees to achieve desired stand density reductions is an effective and feasible method. Commercial fiber removal is an effective means of reducing stand density to meet a variety of treatment objectives. Commercial harvest will not increase fuel loadings, disposal of slash resulting from the operations will be treated (dependent on the prescription) by the contractor or the Forest Service.

Scoping

The Opine project was initially listed in the Winter 2002 edition of the Central Oregon Schedule of Projects and has been continuously published since. The Schedule of Projects is published quarterly with the status and descriptions of new, continuing, and completed projects. The SOP is posted quarterly to the Deschutes and Ochoco Forest Service website and mailed to approximately 90 individuals or groups.

Scoping for the Opine Vegetation Management Environmental Assessment (EA) was initiated in March 2002. This letter was sent to approximately 301 individuals, businesses, and organizations that expressed an interest in the project. This also included letters sent to the Confederated Tribes of the Warm Springs, the Burns Paiute Tribes, and the Klamath Tribes. A subsequent scoping letter was sent to the same 301 individuals, businesses, Tribes, and organizations in May 2002 which identified approximately 13 miles of existing system roads for closure or decommissioning. Both letters were also posted on the Deschutes and Ochoco National Forests website. The initial scoping letter included activities that would provide motorized and non-motorized trails, allow for the construction of new facilities at the Pine Mountain Observatory, and the relocation of trails within the East Fort Rock OHV trail system. These projects were later separated for separate analysis and decision. Subsequently, the Pine Mountain Observatory Master Plan EA was signed issuing a new 20 year permit, permitting expansion of the permit area, and allowing for the construction of new facilities over the next 10 years. The Opine Access EA, which included road closures, and both motorized and non-motorized trail development, was delayed and subsequently deferred. The road closures were incorporated back into the vegetation management analysis to mitigate the impacts of fuel reduction activities (including thinning, mowing, and burning) on mule deer and mule deer habitat.

A total of 124 responses were received from both letters, the majority of which were associated with off-highway vehicle use on Pine Mountain and the impacts of that use on the Pine Mountain Observatory. These comments were not relevant to the proposed action and were not used to identify issues or other alternatives. A total of eight

(8) respondents directly addressed proposed vegetation and fuel reduction activities with an additional 25 supporting proposed vegetation and fuel reduction treatments without specific comments. These comments were used to develop the alternative to the proposed action.

Wildlife concerns within the planning area, particularly associated with mule deer winter range conditions and habitat for the greater (Western) sage grouse, also resulted in collaboration with specialists from the Bureau of Land Management (BLM), USDI Fish and Wildlife Service (USFWS). These efforts also resulted in modifications and adjustments to alternatives, treatment prescriptions and unit sizes and locations. Meetings were also held with Oregon Department of Fish and Wildlife (ODFW) to review their concerns regarding wildlife and mule deer winter range.

The following is a brief summary of the comments related to vegetation and fuel reduction activities.

- 1) Vegetation management is needed. Agree with the need for stocking level reductions, but it is important to manage all ages and diameter classes. *These comments are addressed in the alternatives.*
- 2) There are concerns about the impacts of proposed activities, commercial harvest and fuel reduction, on wildlife, wildlife habitat, late successional/old growth habitat, riparian habitats, and microbiotic crusts. Planned activities may jeopardize the viability of species that find optimal habitat in interior forests, forests with well developed structures, and forests disturbed by physical and biological processes. *The impacts of proposed activities under all alternatives are described in the Environmental Assessment in Chapter 3 of the affected environment and environmental consequences. There are no riparian habitats or riparian habitat conservation areas (RHCAs) located within the planning area boundaries. The short and long-term strategy of both vegetation and fuel reduction treatments is to create conditions that are resilient, less subject to large scale disturbances from insects, disease, or wildfire, and are representative of historic vegetative conditions.*
- 3) Concur with the proposal for commercial and non-commercial thinning but need to take care that trees 21 inches dbh and larger are not cut or damaged unless dead or diseased. *No trees 21 inches dbh or larger are proposed for commercial harvest. Snags, except those determined to be safety hazards, would not be cut; no snags or downed logs/trees would be removed from harvest units.*
- 4) Agree with closing of roads. More roads could/should be closed to reduce impacts to other resources including wildlife. *Roads proposed for closure or decommissioning were identified through a roads analysis (EA, see Chapter 2, Alternative Description). Roads determined to be unneeded for current management were recommended for closure. Roads would be closed using berms, gates, signing, and camouflaged using vegetation or native materials, or a combination of methods. Those determined to be unnecessary for both current and future management were recommended for decommissioning. Decommissioning includes various levels of treatments to stabilize and rehabilitate unneeded roads, such as blocking the entrance, re-vegetating and water barring; removing fills and culverts; re-establishing drainage-ways and removing unstable road shoulders; or full obliteration by re-contouring, subsoiling and restoring natural slopes.*
- 5) Disagree with the closing of any roads. There is a problem using road density as it does not take into account traffic density, how road is being used, or topography. *Road closures/decommissionings mitigate the effects of thinning and fuel reduction treatments on wildlife habitat by reducing habitat fragmentation and increasing habitat effectiveness (EA, see Chapter 2, Mitigation Measures and Chapter 3, Key Issues). Road density is a Forest Plan standard and guideline and as such, is required to be addressed. A supplemental roads evaluation to determine compliance with the Forest Plan standards and guidelines TS-11 through TS-14 used six (6) criteria: 1) road/trail density and use level, 2) topography, 3) hiding cover, 4) camouflage cover, 5) mule deer population level and trend, and 6) people use including recreational activities. This evaluation determined that only the road/trail density compensated for the negative effects of roads and that it was only partial compensation (Supplemental Roads Evaluation page 8). The project, by implementing Alternative 3,*

with the season closures reduces road density from the current approximately 3.5 miles per square mile to 2.5 miles per square mile through road closures/decommissionings and a seasonal closure, but will take a number of years to fully implement.

The Draft EA was made available for a 30-day public comment period September 14, 2005. This letter was sent to approximately 312 individuals, businesses, Tribes, and organizations that expressed an interest in the project and was placed on the Deschutes and Ochoco National Forests web site. The preferred alternative was identified. Comments were received from 33 respondents and were grouped into 57 comment groups. The summary of the comments and the response to those comments is located in Appendix D of the EA.

A number of respondents provided comments on off-highway vehicle use and management that was discussed in the 30 day comment version of the EA. The final Opine Vegetation Management does not address OHV management except where road closures/decommissionings and seasonal restriction are proposed to mitigate the impacts of thinning and fuel reduction treatments on wildlife habitat. Access and travel management actions, including OHV use and management, other than those described in this EA, will be analyzed separately.

Forest Plan Amendment Significance Factors

Timing: The Forest Service Planning Handbook (1909.12, 5.32) indicates that a change is less likely to result in a significant plan amendment if the change is likely to take place after the plan period (the first decade). Amendment #2 would take place in the 16th year of the LRMP, would take place immediately, and are specific to this project.

Location and Size: Amendment #2 is specific to deer summer range outside of the MA-7 land allocation. It is specific to the approximately 5,137 acres in the MA-9 and MA-15 (Scenic Views and Old Growth) land allocations in IUs #52 and #57 within the Opine Planning Area boundary.

Goals, Objectives and Outputs: Amendment # 2 would not alter the long-term relationship between levels of goods and services projected by the LRMP. Amendment # 2 would not change management allocations where programmable timber harvest could occur. Amendment # 2 would not have any significant change in timber outputs over what might be available if the project was designed without the proposed amendment.

Management Prescriptions: Amendment # 2 would change the desired future condition for land and resources from that contemplated by the existing management direction in the LRMP in the short-term. Amendment # 2 would affect the entire LRMP planning area. Amendment #2 would affect only the 5,137 acres of MA-9 and MA-15 lands located within IUs #52 and #57 within the planning area boundary. Amendment #2 would not change the LRMP allocations or management areas.

Finding of No Significant Impact

I have determined through the environmental analysis that the activities included in my decision (Alternative 3) are not a major federal action, individually or cumulatively, that will not significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors:

In terms of context (40 CFR 1508.27 (a)):

(1) Beneficial and adverse direct, indirect and cumulative environmental impacts discussed in the EA have been disclosed within the appropriate context and intensity. No significant effects on the human environment have been identified. There will be no significant direct, indirect or cumulative effects to soil, water, fish, wildlife resources, inventoried roadless areas, stands of trees that display late or old characteristics or other components of the environment (EA pages 1-3, 1-6 to 1-12).

(2) No significant adverse effects to public health or safety have been identified. None are unusual or unique to this project. Implementing Alternative 3 would have beneficial effect on public health and safety (EA page 1-11, 3-51-52).

(3) There will be no significant adverse impacts to wetlands, wild and scenic rivers, prime farmlands, old growth forests, range and forestland. No significant effects are anticipated to any other ecologically sensitive or critical areas (EA pages 1-3, 1-6 to 1-12).

(4) The effects of implementation of this decision do not rise to the level of scientific controversy as defined by the Council of Environmental Quality (EA pages 3-1 to 3-166).

(5) Based on previous similar actions in the area the probable effects of this decision on the human environment, as described in the EA, are well known and do not involve unique or unknown risks (EA pages 3-1 to 3-166).

(6) This action does not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration (EA page 3-1 to 3-166).

(7) This decision is made with consideration of past, present and reasonably foreseeable future actions on National Forest land and other ownerships within potentially affected areas, which could have a cumulatively significant effect on the quality of the human or natural environment. I find there to be no such cumulative significance (EA pages 3-1 to 3-166).

(8) Based on the pre-disturbance survey and record search of the project area, the project proposal will have "no adverse effect" (as defined in 36 CFR 800.4 (b)(1)) on any listed or eligible cultural resources (EA, page 3-66).

(9) The biological evaluation and assessment for the area indicates that the proposed project will have no significant adverse impacts on any proposed, endangered, sensitive or threatened plant or animal species. Should any endangered or threatened species be found following the implementation of the project, the environmental analysis will be reviewed and revised, and consultation with the United States Fish and Wildlife Service will commence immediately, if necessary (Wildlife Biological Evaluation (BE) Appendix D, and Botany BE Appendix E).

(10) This decision is in compliance with relevant federal, state and local laws, regulations and requirements designed for the protection of the environment. Effects from this action meet or exceed state water and air quality standards (EA pages 47, 48, 122, and 136).

Other Findings

- This decision is consistent with the goals, objectives and direction contained in the Deschutes National Forest Land and Resource Management Plan (LRMP) and accompanying final environmental impact statement dated August 27, 1990 as amended by the Regional Forester's Forest Plan Amendment #2.
- This decision is consistent with the seven vegetative manipulation requirements of 36 CFR 210.27(b) (EA, Appendix B, Silvicultural Report).
- This decision is in compliance with Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations". No minority or low-income populations will be disproportionately affected from implementation of any alternative (EA pages 3-116 and 117).
- No designated roadless areas, old growth stands, Wild and Scenic Rivers or parkland would be adversely affected by the proposed activities.

- There is no habitat within the planning area that is classified as “Essential fish habitat” for anadromous fisheries.
- Wetlands, fisheries, water quality and designated floodplains will not be adversely affected by any of the proposed management activities.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Any notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Any appeal must be filed (regular mail, fax, e-mail, hand-delivery, or express delivery) with the Regional Forester, USDA Forest Service, Pacific Northwest Region, ATTN: 1570 Appeals, 333 SW First Avenue, P.O. Box 3623, Portland, Oregon 97208-3623. Appeals submitted via fax should be sent to (503) 808-2255. Appeals can be filed electronically at: appeals-pacificnorthwest-regional-office@fs.fed.us.

The office hours for those submitting hand-delivered appeals are 8:00 am – 4:30 pm Monday through Friday, excluding holidays.

Appeals, including attachments, must be postmarked or delivered within 45 days of the publication of the legal notice for this decision in *The Bulletin*, the Bend, Oregon newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date in *The Bulletin* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf) only. E-mails submitted to email addresses other than the one listed above, or in formats other than those listed or containing viruses, will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact James Lowrie, (phone 541-383-4713, email jlowrie@fs.fed.us) or John R. Davis (phone 541-383-4714, email jrdavis01@fs.fed.us), Bend-Fort Rock Ranger District, 1230 NE Third, Bend, Oregon, 97701.

/s/ Leslie A.C. Weldon
LESLIE A. C. WELDON
Forest Supervisor
Deschutes National Forest

Date: February 02, 2007

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